



02-22-06

IFW

February 21, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Victor Batson

Dear Victor:

Please find enclosed corrected items as requested on the Notice Of Non-Compliant originally dated November 15, 2005, for application number 10/631,383 title of Invention: Mobile Grave Excavator. Also enclosed is a copy of the original letter dated December 12, 2005 requesting the extension of time and payment until March 21, 2006. If you have any questions you can email me at pbs87@sbcglobal.net, fax at 317-831-3787, or my cell phone at 317-627-1124. Thank you for your assistance with my patent.

Sincerely,

William R. Cole
8760 S. C.R. 825 E.
Plainfield, IN 46168
Phone: (home) 317-831-2741

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On 2/21/06
Date

Carol A. Wheasler
Signature:

CAROL A. WHEASLER
Typed or printed name of person signing certificate

Registration Number if applicable

317/374-8243
Telephone Number

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COPY

December 12, 2005

Commission for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Commissioner for Patents

Please accept this letter for a three month extension for application number 10/631,383,
title of Invention: Mobile Grave Excavator from 12/21/05 for an additional three months
until 03/21/06. This time is needed to respond accurately to the notice of non-compliant
amendment, dated November 15, 2005. Please find enclosed a check for the amount of
\$5100.00 to cover the additional three month extension.

Sincerely,

William R. Cole
8760 S CR 825 E
Plainfield, IN 46168
Phone: 317/831-2741

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FEB 21 2006

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/631,383

Examiner

Victor Batson

Applicant(s)

COLE, WILLIAM R.

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 23 August 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☒ 1. Amendments to the specification:

- ☒ A. Amended paragraph(s) do not include markings.
- ☒ B. New paragraph(s) should not be underlined.
- ☒ C. Other See Continuation Sheet.

☒ 2. Abstract:

- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
- ☒ B. Other the abstract should be in single paragraph form.

☒ 3. Amendments to the drawings:

- ☒ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
- ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
- ☒ C. Other See Continuation Sheet.

☒ 4. Amendments to the claims:

- ☐ A. A complete listing of all of the claims is not present.
- ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
- ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
- ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
- ☒ E. Other: See Continuation Sheet.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Continuation of 1(c) Other: The specification is considered to include new matter not disclosed in the original application.

Continuation of 3(c) Other: Figure 5 is considered to include new matter not included in the application as originally filed. ✓

Continuation of 4(e) Other: The claims are still narrative in form and replete with indefinite and functional or operational language.

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SUMMARY OF INVENTION

A mobile, steer able excavating machine primarily used for the digging of a grave. In which, vertical cutting bar assemblies are mounted to a horizontal frame to allow digging of the soil downwardly and laterally within the frame of the machine while removing the soil from the hole on one side or the other into a haul able device. (Amended)

The cutting assembly will cut through the soil and for instances where the soil is extremely rocky the cutting assembly can operate in two ways: one by cutting a swatch straight across the ground or if a large object such as a large rock is stopping the machine you simply stop the assembly raise it and lower it again in front of the object, and remove the object manually, and then continue with the cutting of the soil. (New)